

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #14-09**

**Springfield Township, Burlington County**

WHEREAS, Springfield Township, Burlington County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 30, 2008; and

WHEREAS, Springfield Township published notice of its petition in *The Burlington County Times* on February 17, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended April 3, 2009; and

WHEREAS, Springfield Township's fair share plan addresses a total 1987-2018 affordable housing obligation of 102 units, consisting of a three-unit rehabilitation share, a 54-unit prior round obligation and a 45-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the entire land area within the Township is located in Planning Area (PA) 4 and is served by private onsite wells and septic systems; and

WHEREAS, Springfield Township proposes to address its three-unit rehabilitation share with five post-April 1, 2000 rehabilitation credits; and

WHEREAS, the Township proposes to address its 54-unit prior round obligation with 29 credits from a Regional Contribution Agreement with Beverly City; four credits and four rental bonuses from Family Services' supportive and special needs facility; five credits and five rental

bonuses from Occupational Training Services' supportive and special needs facility; six credits from an accessory apartment program; and one credit from a market to affordable unit; and

WHEREAS, Springfield proposes to address its 45-unit projected growth share obligation with five Post-1986 credits from a Regional Contribution Agreement with the City of Beverly; one credit from a for-sale family unit constructed by the Columbus Farmer's Market; six credits and four rental bonuses from a market to affordable program; four units from a four-bedroom supportive and special needs facility at the Jacksonville Site; three units and three rental bonuses from a family rental development on the Jacksonville Site; ten units and four rental bonuses from a family rental development on the Municipal Building Site; and six units from a special needs rental facility at a site to be identified by the Township; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Springfield has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7; and

WHEREAS, the Township has provided the documentation for all municipally sponsored developments required pursuant to N.J.A.C. 5:94-6.7(b)1-3, demonstrating site control, site suitability and a schedule for construction; and

WHEREAS, Springfield has drafted and will adopt an ordinance within 45 days of substantive certification that will create a new District encompassing the municipally sponsored developments, which will permit affordable housing projects at higher densities and reduced bulk requirements; and

WHEREAS, for the municipally sponsored projects, the Township will seek all approvals and permits as required by the New Jersey Department of Environmental Protection; and

WHEREAS, upon review of the Township's plan, COAH staff has determined that the Township submitted the necessary documentation for the Columbus Farmer's Market for-sale unit, accessory apartment program and market to affordable program; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on May 21, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Springfield Township's petition for third round substantive certification; and

WHEREAS, Springfield Township requested a waiver from N.J.A.C. 5:97-4.5(c), which requires units rehabilitated or subject to an executed contract for rehabilitation on or after December 20, 2004 and before June 3, 2008, to be subjected to controls for not less than ten years (Exhibit B); and

WHEREAS, the Township has proposed to meet its three-unit rehabilitation share with five units that have controls of six years, which was permitted prior to December 20, 2004 for owner occupied units pursuant to N.J.A.C. 5:97-4.5(b)3; and

WHEREAS, the Township marketed its rehabilitation program during the time period when six year controls were in effect and the applicants had signed the program agreements prior to or shortly after December 20, 2004; and

WHEREAS, the waiver meets the requirements of N.J.A.C. 5:96-15.2(a) in that the strict application of the rule would create an unnecessary financial hardship as the Township would have to rehabilitate three additional units; and

WHEREAS, the waiver fosters the intent, if not the letter of the rules, because the Township has rehabilitated two more units than is required under its third round obligation; and

WHEREAS, Springfield's Fair Share Plan provides a mix of housing options, including supportive and special needs units and family rentals; and

WHEREAS, a Task Force Meeting was held on April 29, 2009 and the task force recommended that the Council grant the waiver request at its June 10, 2009 meeting; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH did not receive comments.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Springfield Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that the Council hereby grants Springfield Township a waiver from N.J.A.C. 5:97-4.5(c), which requires units rehabilitated or subject to an executed contract for rehabilitation on or after December 20, 2004 and before June 3, 2008 be subjected to controls not less than ten years; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Springfield Township; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), Springfield Township shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if Springfield Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Springfield shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Springfield shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Springfield's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Springfield and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to NJAC 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Springfield shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Springfield's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Springfield Township to provide for the realistic

opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on June 10, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style. The first name "Renee" starts with a large, elegant loop for the 'R', and the last name "Reiss" follows with a similar loop for the 'R' and a trailing flourish.

Renee Reiss, Secretary  
Council on Affordable Housing



***Council on Affordable Housing  
Compliance Report  
May 21, 2009***



**Municipality:** *Springfield Township*  
**County:** *Burlington*

**COAH Region:** *5*  
**Planning Area:** *4*  
**Special Resource Area:** *Pinelands*

**Housing Element and Fair Share Plan Adopted:** *November 18, 2008*  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** *December 30, 2008*  
**Completeness Determination:** *February 13, 2009*  
**Date of Publication:** *February 17, 2009*

**Objections Received:** *No*

**Petition Includes:**

**VLA:** *No*

**GPA:** *No*

**Waiver:** *Yes*

**Section:** N.J.A.C. 5:97-4.5(c)

**Date of Site Visit:** *TBA*

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>			<i>x</i>
<b>Second Round:</b>	<i>1/7/2004</i>		
<b>Extended Certification:</b>			<i>x</i>

**Plan Preparer:** *Elizabeth McManus, Planner, Clarke, Caton, Hintz*

**Municipal Housing Liaison:** *Patty Clayton, Clerk*

**Recommendation:** Grant Substantive Certification

***SUMMARY OF FAIR SHARE OBLIGATION***

Rehabilitation Share	3
Prior Round Obligation	54
Projected Growth Share Obligation (Net)	45

***ACTUAL GROWTH and GROWTH SHARE through September 2008<sup>1</sup>***

<b>Res Units (#)</b>	<b>Actual Res Growth Share</b>	<b>Jobs (#)</b>	<b>Actual Non-Res Growth Share</b>	<b>Actual TOTAL Growth Share</b>
5	1 unit	185	12 units	13 units

***COMPLIANCE PLAN SUMMARY***

<b>Obligation</b>	<b>Credit/ Mechanism Type</b>	<b># Units Completed</b>	<b># Units Proposed</b>	<b>TOTAL</b>
<b>Rehabilitation: 3 units</b>				
<b>Credits</b>	Post-April 1, 2000	5		5
<b>Rehabilitation Subtotal</b>				<b>5</b>
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 54 units</b>				
<b>Credits</b>	RCA Units	29		29
	Supportive / Special Needs	9		9
	Accessory Apartments	3		3
	Market to Affordable	1		1
<b>Proposed Mechanism(s)</b>	Accessory Apartments		3	3
<b>Prior Round Bonus(es)</b>	Rental	9	0	9
<b>Prior Round Subtotal</b>				<b>54</b>
<b>Growth Share: 45 units</b>				
<b>Credits</b>	Post-1986 Credit	5		5
<b>Proposed Mechanism(s)</b>	Columbus Farmer's Market	1	0	1
	100% Affordable Development		13	13
	Market to Affordable		6	6
	Supportive / Special Needs		10	10
<b>Growth Share Bonus(es)</b>	Family Rentals / Rental	0	11	11
<b>Growth Share Subtotal</b>				<b>46</b>
<b>Surplus</b>				<b>1</b>

<sup>1</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.



## **I. HOUSING ELEMENT**

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Springfield's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

### **A. Rehabilitation Share**

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Springfield has a rehabilitation share of three units.

### **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Springfield has a prior round obligation of 54.

### **C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Springfield has a residential projection of 139 housing units that will be constructed and a non-residential projection of 290 jobs that will be created, which results

in an initial projected growth share obligation of 46 affordable units. However, after subtracting the allowable exclusions itemized in Worksheet A (attached as Appendix A), Springfield's residential projection is reduced to 136 units. Therefore, Springfield's total projected growth share for the period 1999-2018 is 45 affordable units consisting of a 27.2-unit projected residential growth share and an 18.13-unit projected non-residential growth share.<sup>2</sup>

#### **SUMMARY OF FAIR SHARE OBLIGATION**

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## **II. FAIR SHARE PLAN**

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Springfield's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

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<sup>2</sup> Pursuant to N.J.A.C. 5:97-2.2(d), Springfield's residential projection of 136 is divided by 5 to yield 27.2 units and the nonresidential projection of 290 jobs is divided by 16 to yield 18.13 units. Springfield's total projected growth share is therefore 45 units (27.2 res + 18.13 non-res = 45.33). Springfield submitted a projection of 132 (7 exclusions) in Workbook A, however, after further investigation, COAH has determined only three units are eligible for exclusion

**A. Plan to Address Rehabilitation Share**

**Rehabilitation Share Credits**

Springfield's is requesting credit for five units rehabilitated subsequent to April 1, 2000. However, the Township may receive only three credits since it cannot receive rehabilitation credits in excess of its rehabilitation obligation. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Springfield Township is requesting a waiver to N.J.A.C. 5:97-4.5(c), which states units rehabilitated or subject to an executed contract for rehabilitation on or after December 20, 2004 and before June 2, 2008 shall be subject to controls not less than 10 years. The rule also states at N.J.A.C. 5:97-4.5(b)5 that rental units must be included in the rehabilitation program. Springfield has a third round rehabilitation share of three units. According to the Township's Fair Share Plan, the Township has rehabilitated five units (all owner occupied) with six-year affordability controls placed on them. Six year controls were permitted prior to December 20, 2004 for owner occupied units. N.J.A.C. 5:97-4.5(b)3.

Springfield contends that its rehabilitation program was marketed during the time period when the six-year controls were in effect and the applicants had signed the program agreements prior to or shortly after December 20, 2004. Applications were received for three of the five units prior to December 20, 2004 (the fourth was received on December 21, 2004 and the fifth on December 31, 2004). Additionally, the Township states that several steps were taken between the date the applications were received and the date the contracts were signed, which delayed the process. Springfield asserts that extending the controls to ten years in the middle of the process could have been interpreted by the public as false advertising, and therefore is requesting a waiver of the requirement of 10-year affordability controls.

A COAH Task Force met on April 29, 2009 to review the waiver request. The Task Force determined that the waiver meets the requirements of N.J.A.C. 5:96-15.2(a) and therefore recommends approval of this waiver.

**Rehabilitation Credits**

<b>Rehabilitation Program</b>	<b># Credits</b>
Township Rehab Program	3
<b>TOTAL</b>	<b>3</b>

**B. Plan to Address Prior Round Obligation**

**Prior Round Obligation Credits**

Springfield is addressing part of the prior round obligation with 29 post-1986 Credits earned through a Regional Contribution Agreement with the City of Beverly. Additionally, the Township has completed three accessory apartments, one market to affordable unit and nine supportive and special needs units for an additional 13 credits. The supportive and special needs units are also eligible for nine rental bonuses. The total post-1986 credits equals 51 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Completed</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Regional Contribution Agreement <sup>3</sup>	2009	RCA	29		0	29
Market to Affordable	2008	Market to Affordable	1		0	1
Accessory Apartments	2003	Accessory Apartments	3		0	3
Family Services	1987	Special Needs	4 BR	Rental	4	8
Occupational Training Services	2008	Special Needs	5 BR	Rental	5	10
<b>TOTALS</b>			<b>42</b>		<b>9</b>	<b>51</b>

<sup>3</sup> COAH previously approved a 34 unit RCA, which Springfield entered into with the City of Beverly, Burlington County. Final payments were made in January, 2009. Twenty-nine of the 34 credits will be used toward the prior round obligation.

### **Proposed Affordable Housing Mechanisms**

Springfield proposes to address the remaining three-unit prior round obligation through the following mechanism:

#### ***Accessory Apartment Program***

Springfield will rely on a three-unit accessory apartment program to address its remaining prior round obligation. As noted above, the Township has already completed three units in 2003 and plans to complete three more units. Proposed units will be served by private wells and septic systems, which will have sufficient capacity to handle the extra flow. Each lot will meet COAH site suitability standards. Springfield's program complies with all regulations in N.J.A.C. 5:97-6.8 and the Uniform Housing Affordability Controls, including but not limited to 10-year controls and subsidies in the amount of \$20,000 for a moderate income unit and \$25,000 for a low income unit. The subsidies will be funded by Springfield's affordable housing trust fund. **[3 accessory apartments]**

#### **Proposed Prior Round Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Accessory Apartments		3		0	3
<b>TOTALS</b>		<b>3</b>		<b>0</b>	<b>3</b>

### **Prior Round Obligation Parameters**

Springfield has satisfied the applicable Prior Round parameters as follows:

#### **Prior Round Rental Obligation:<sup>4</sup> 14 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Occupational Training Services	Supportive/Special Needs	5
Family Services	Supportive/Special Needs	4
Accessory Apartments	Accessory Apartments	6
<b>TOTAL</b>		<b>15</b>

<sup>4</sup> Rental Obligation:  $(.25 \text{ (prior round obligation)} - \text{prior round credits} - 20\% \text{ cap} - \text{impact of the 1,000 unit cap}) \text{ or } .25 (54 - 0 - 0 - 0) = 13.5 \text{ or } 14 \text{ units}$  per N.J.A.C. 5:97-3.10(b)1

**Regional Contribution Agreement (RCA) Maximum<sup>5</sup>: 34 Units**

Receiving Municipality(s)	Type of Affordable Unit	# Units
Beverly City		29
<b>TOTAL</b>		<b>29</b>

**Prior Round Rental Bonus Maximum<sup>6</sup>: 14 Units**

Development/Project Name	Type of Bonus	# Bonuses
Occupational Training Services		5
Family Services		4
<b>TOTAL</b>		<b>9</b>

**C. Plan to Address Projected Growth Share**

**Growth Share Obligation Credits**

Springfield is addressing five units of the projected growth share obligation with five units of credit from a previously approved RCA. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Post - 1986 Credits**

Project/Development Name	Year Built	Type of Affordable Unit	# Units/ Bedrooms
RCA with the City of Beverly		Regional Contribution Agreement	5
<b>TOTALS</b>			<b>5</b>

**Proposed Affordable Housing Mechanisms**

Springfield plans to address the remaining 40-unit growth share obligation through the following mechanisms:

<sup>5</sup> RCA Maximum: Pursuant to N.J.A.C. 5:97-4.1(c), COAH will honor the number of RCA credits included in the previously certified plan if the mechanism that were included in that certification still presents a realistic opportunity. Springfield's RCA is based on its second round certification of 34 units.

<sup>6</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

### ***Columbus Farmer's Market***

Springfield will utilize Columbus Farmer's Market (the developer) to address one unit of its projected growth share obligation. The Township and the developer have an executed agreement where the developer has agreed to construct an affordable housing unit. The Township's Administrative Agent, Community Grants, Planning and Housing (CGP&H), would affirmatively market and the Township would sell to an eligible family. A Developer's Agreement and the Final Site Plan Approval have been provided by the Township.

The Township-owned site is one acre and is located at 1590 Burlington-Jacksonville Road (Block 402/Lot 3.01) in the Agricultural Residential district (10-acre zoning). A Certificate of Occupancy has been issued for the single-family unit. The lot is situated on uplands, meets all COAH site suitability standards pursuant to N.J.A.C. 5:97-3.13 and is served by an onsite private well and septic system. **[1 family sale unit]**

### ***Market to Affordable Program***

Springfield will acquire market-priced for-sale units as part of its market to affordable program to address six units of its projected growth share obligation. Based on research and a review of the multiple listing service, the Township has demonstrated that there are sufficient units to support a market to affordable program of this size. All units will be rentals (three low income units and three moderate income units) and will be marketed and administered by the Township's administrative agent, CGP&H. Each unit will have 30-year affordability controls and will be in compliance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

Springfield has provided a pro-forma that includes the average sale prices between 2004 and 2008 (\$210,110 per unit), acquisition costs, rehabilitation costs, anticipated rents and annual expenses. In total, the Township estimates the project will cost \$2,584,140 over the 30-year affordability controls and will utilize its affordable to housing trust fund to finance the project. Any remaining costs will be paid by bonding or by other funding sources. A Resolution of Intent to Bond was adopted by the Governing Body on December 4, 2008. All six units are estimated to be completed by 2013.

Pursuant to N.J.A.C. 5:97-3.6, the Township will rely on four rental bonuses from the Market to Affordable program. **[6 market to affordable units and 4 rental bonuses]**

*Supportive and Special Needs – Jacksonville Site*

The Township is proposing a four-bedroom special needs facility on a 1.89 acre lot at 1792 Jacksonville-Jobstown Road (Block 701/Lot 3.03). The Township has acquired the site, which is within the Hamlet Residential district (10 acre density). Three family rentals will also be constructed on this site and will be discussed in detail later in this report. A small portion of the site is mapped as wetlands, however, the Township's Planner, asserts, after a site visit, that there is little, if any evidence, of wetlands on this property. Under current zoning, this project does not meet density requirements or bulk standards and would probably not be a permitted use; however, Springfield has drafted and will adopt an ordinance within 45 days of substantive certification that will create a new District for this parcel permitting affordable housing projects at higher densities and reduced bulk requirements, thereby eliminating the need for a variance.

The Township has provided all documentation required pursuant to N.J.A.C. 5:97-6.7 including a pro-forma, draft request for proposals and construction schedule. Springfield adopted a Resolution of Intent to Bond on December 4, 2008 and will rely on other funding sources since costs of this project will likely exceed revenues in its affordable housing trust fund. Other sources of funding may include Federal Low Income Housing Tax Credits, New Jersey Balanced Housing Funds, HUD, Federal Home Loan Bank Board, HMFA and/or Small Cities. The facility will be administered in accordance with the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:97-3.14.

The site will be served by an onsite well and septic system. Since the lot size is small relative to the amount of development planned, this project will be identified in the Wastewater Management Plan (WMP) as an area where the nitrate dilution standards will be exceeded and will be off-set elsewhere in the watershed in accordance with New Jersey Department of Environmental Protection's (NJDEP) rules. The projected wastewater flow is less than 2,000 gallons per day and therefore would not require a NJDEP groundwater discharge permit. Springfield submitted additional documentation



from the Township's engineer stating that the soils on this site are suitable for the design and installation of an onsite septic system. All other COAH site suitability standards will be met pursuant to N.J.A.C. 5:97-3.13. **[4 supportive and special needs units]**

***Municipally Sponsored – Jacksonville Site***

As noted above, the Jacksonville Site will also accommodate three family rentals in addition to the four-bedroom group home. All documentation submitted for the Jacksonville Site, such as the pro-forma, request for proposals and construction schedule address both the supportive and special needs project and the family rentals. The family affordable units will be developed and occupied in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., including bedroom distribution and affordability controls of at least 30 years. Pursuant to N.J.A.C. 5:97-3.6, the Township will rely on three rental bonuses from the Jacksonville family site. **[3 family rental units and 3 rental bonuses]**

***Municipally Sponsored – Municipal Building Site***

The Township is also proposing a municipally constructed project on a 3.4 acre portion of the Township's Municipal Building lot, which is located at 2159 Jacksonville-Jobstown Road (Block 1003/Lot 1). This site is vacant, cleared and surrounded by residential and civic uses. The proposed project consists of 10 family rental units and is located in the Agricultural Residential district (10-acre zoning). This project does not meet current density requirements or bulk standards and would probably not be a permitted use; however, Springfield has drafted and will adopt an ordinance within 45 days of substantive certification that will create a new District for this parcel permitting affordable housing projects at higher densities and reduced bulk requirements, thereby eliminating the need for a variance.

The site will be developed and occupied in accordance with the Uniform Housing Affordability Control rules N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:97-3.14. All units will have 30-year affordability controls and will be administered by the Township. In accordance with N.J.A.C. 5:97-6.7, the Township has submitted documentation demonstrating site control, site suitability, a draft pro forma and a construction schedule.

A revised construction schedule has been submitted to COAH to reflect delays in the WMP process (as described below). Springfield plans to finance this program by bonding (Resolution of Intent to Bond adopted on December 4, 2008) or other funding sources since the project is likely to exceed revenues generated via Springfield's affordable housing trust fund. Other sources may include Federal Low Income Housing Tax Credits, New Jersey Balanced Housing Funds, HUD funding, Federal Home Loan Bank Board, HMFA and/or Small Cities.

A private onsite well(s) and septic system(s) will serve this site. Since the lot size is small relative the amount of development planned, this project will be identified in the WMP as an area where the nitrate dilution standards will be exceeded and will be off-set elsewhere in the watershed in accordance with NJDEP rules. The total sanitary flow for this site will exceed 2,000 gallons per day and therefore, must be included in an adopted WMP and a New Jersey Pollution Discharge Elimination System (NJPDES) permit must be obtained. Springfield must wait to see whether Burlington County will accept its role as the WMP Agency and draft a county-wide WMP or if the Township will need to draft and submit its own WMP. Once a WMP is submitted to the NJDEP, Springfield will apply for a NJPDES permit with one month. The Township's engineer states the soils on this site are suitable for the design and installation of an onsite septic system. All other COAH site suitability standards will be met pursuant to N.J.A.C. 5:97-3.13.

Pursuant to N.J.A.C. 5:97-3.6, the Township will rely on four rental bonuses from the Municipal Building site. **[10 family rental units and 4 rental bonuses]**

#### ***Municipally Sponsored – Future Site***

A third municipally sponsored project is planned to accommodate six special needs rental units on a site(s) to be identified by the Township. The project is on the Township's implementation schedule to be constructed in 2014 and as such supporting documentation is required to be submitted to COAH two years before construction begins, or by 2012. The site will be identified in early January 2013 and will meet all COAH site suitability standards. The municipality adopted a Resolution of Intent to Bond on December 4, 2008 in the event the project costs exceed revenues generated by Springfield's affordable housing trust fund. **[6 supportive and special needs units]**

**Proposed Growth Share Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Columbus Farmer's Market	Inclusionary Zoning	1			1
Market to Affordable	Market to Affordable	6	Rental	4	10
Jacksonville Site	Special Needs	4 BR			4
Jacksonville Site	Municipal Sponsored	3	Rental	3	6
Municipal Building Site	Municipal Sponsored	10	Rental	4	14
Future Site	Special Needs	6			6
<b>TOTALS</b>		<b>30</b>		<b>11</b>	<b>41</b>

**Growth Share Parameters**

Springfield has satisfied the applicable Growth Share parameters as follows:

**Growth Share Rental Obligation:<sup>7</sup> 12 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Jacksonville Site	Special Needs	4
Jacksonville Site	Municipally Sponsored	3
Market to Affordable	Market to Affordable	6
Municipal Building Site	Municipally Sponsored	10
Future Site	Special Needs	6
<b>TOTAL</b>		<b>29</b>

**Growth Share Family Rental Requirement<sup>8</sup> : 6 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Jacksonville Site	Municipally Sponsored	3
Municipal Building Site	Municipally Sponsored	10
Market to Affordable	Market to Affordable	6
<b>TOTAL</b>		<b>19</b>

<sup>7</sup> Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(45) = 11.25 or 12 units  
N.J.A.C. 5:97-3.10(b)3

<sup>8</sup> Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(12) = 6 units N.J.A.C. 5:97-3.4(b)

**Growth Share Minimum Family Requirement<sup>9</sup> : 18 Units**

Development/Project Name	Type of Affordable Unit	# Units
Columbus Farmer's Market	Inclusionary	1
Jacksonville Site	Municipally Sponsored	3
Municipal Building Site	Municipally Sponsored	10
Market to Affordable	Market to Affordable	6
<b>TOTAL</b>		<b>20</b>

**Very Low Income Minimum Requirement<sup>10</sup> : 5 Units**

Development/Project Name	Type of Affordable Unit	# Units
Jacksonville Site	Special Needs	2
Municipal Building Site	Municipally Sponsored	3
<b>TOTAL</b>		<b>5</b>

**Bonus Maximum<sup>11</sup>: 11 Bonuses**

Development/Project Name	Type of Bonus	# Bonuses
Market to Affordable	Rental	4
Jacksonville Site	Rental	3
Municipal Building Site	Rental	4
<b>TOTAL</b>		<b>11</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

<sup>9</sup> Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(35) = 17.5 or 18 units N.J.A.C. 5:97-3.9

<sup>10</sup> Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(35) = 4.55 or 5 units pursuant to P.L.2008, c.46

<sup>11</sup> Projected Bonus Maximum: .25(Projected Growth Share) or .25(45) = 11.25 units N.J.A.C. 5:97-3.6

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Springfield had issued certificates of occupancy for five housing units and for non-residential square footage equivalent to 185 jobs, yielding an actual growth share obligation through September 30, 2008, of 13 affordable units.<sup>12</sup>

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**  
**Rehabilitation Share: 3 Units**

Program Name	# Units
Post April 1, 2000 Credits	3
<b>TOTAL</b>	<b>3</b>

**PRIOR ROUND SUMMARY**  
**Prior Round Obligation: 54 Units**

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
<b>Post-1986 Credits</b>	RCA with the City of Beverly	29			29
	Special needs facility	9	Rental	9	18
	Accessory Apartments	3			3
	Market to Affordable	1			1
<b>Subtotal</b>		<b>42</b>		<b>9</b>	<b>51</b>
<b>Proposed Mechanisms</b>	Accessory Apartments	3			3
<b>Subtotal</b>		<b>3</b>		<b>0</b>	<b>3</b>
<b>TOTAL</b>					<b>54</b>
<b>Surplus/Shortfall</b>					<b>0</b>

<sup>12</sup> The number of residential COs (5) is initially divided by 5 to yield 1 unit and the number of jobs (185) is initially divided by 16 to yield 12 units. Springfield's total actual growth share is therefore 13 units (1 res + 12 non-res). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

**GROWTH SHARE SUMMARY**  
**Projected Growth Share Obligation: 45 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Post-1986 Credits</b>	RCA with the City of Beverly	5			5
<b>Subtotal</b>		<b>5</b>		<b>0</b>	<b>5</b>
<b>Proposed Mechanisms</b>	Inclusionary Zoning	1		0	1
	Market to Affordable	6	Rental	4	10
	Supportive and Special Needs – Jacksonville	4			4
	Municipal Sponsored – Jacksonville Site	3	Rental	3	6
	Municipal Sponsored – Municipal Bldg Site	10	Rental	4	14
	Future Site – Special Needs	6			6
<b>Subtotal</b>		<b>30</b>		<b>11</b>	<b>41</b>
<b>TOTAL</b>					<b>46</b>
<b>Surplus</b>					<b>1</b>

**FAIR SHARE DOCUMENT REVIEW**

**A. Development Fee Ordinance**

COAH granted Springfield approval of an amendment to its development fee ordinance on October 20, 2008, which was adopted by Springfield on November 12, 2008. This ordinance amended a prior development that COAH approved on March 5, 2003, which the Township adopted on March 12, 2003.

**B. Third Round Spending Plan**

Springfield's prior round spending plan was approved by COAH on September 25, 2003. A revised third round spending plan was submitted by Springfield with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

**C. Affordable Housing Ordinance/Affordable Housing Administration**

Springfield has an adopted affordable housing ordinance for its prior round obligation. The Township has submitted a revised draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has also been amended to include the compliance with barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by Springfield on February 11, 2009.

Springfield is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by contract, agreement or letter. Springfield has submitted a contract with Community Grants, Planning and Housing as its administrative entity for all affordable units. Pursuant to N.J.A.C. 5:80-26.14(b), Springfield has submitted a written operating manual for administering affordable units within the Township.

**D. Affirmative Marketing Plan**

Springfield has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. The affirmative marketing plan was approved by COAH and must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

### **III. MONITORING**

Springfield must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C. 5:97-2.5. Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Springfield's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Springfield and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

### **IV. RECOMMENDATION**

COAH staff recommends that Springfield Township be granted third round substantive certification. COAH also recommends approval of the waiver from N.J.A.C. 5:97-4.5(c) for the affordable units in the rehabilitation program. Springfield must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.



**ADDENDUM TO COAH COMPLIANCE REPORT  
SPRINGFIELD TOWNSHIP / BURLINGTON COUNTY  
REGION #5  
June 8, 2009**

Ms. JoAnn Bauma Banks, 1795 Jacksonville Jobstown Road submitted a letter dated June 8, 2009, commenting on Springfield's Fair Share Plan during the 14-day comment period for the COAH Compliance Report that was previously issued on May 27, 2009.

Ms. Banks' Comments

Ms. Banks states that the Municipally Sponsored – Jacksonville Road Site is not adequately sized to support a septic system and private well for the proposed development. She expressed concern that there may not be ample space to support both the infrastructure needs and the housing units. Additionally, Ms. Banks believes this site has water drainage issues that may further hamper the development of this site.

In regards to the Municipally Sponsored – Municipal Building Site, Ms. Banks states in her letter, "this Township Municipal Property was purchased with Federal money and only to be used for recreation or expansion of the municipal building." She questions whether the federal funding will cause this lot to be unsuitable for the development of affordable housing. Ms Banks raises further doubts as whether these two sites are suitable even if Springfield adopts an ordinance that creates a District to permit affordable development at higher density on these two parcels.

Finally, Ms. Banks questions the likelihood of whether six market to affordable units can be completed by 2013, per the Township's schedule.

COAH's Response

In reference to the Jacksonville Site, The Compliance Report, dated May 21, 2009, references a letter from the Township's engineer stating that the soils on this site are suitable for the design and installation of an on-site septic system. Additionally, Springfield and COAH are in agreement that the Township must receive approval from the Burlington County Department of Health before development may proceed. As far as the drainage issue, the Township's

Planner has provided their professional opinion based on a field visit that the site does not contain wetlands.

With regards to the Municipal Building Site, COAH staff conducted its due diligence to determine whether the municipal building property was purchased with federal funds and if so, whether there were any restrictions on the use of the site associated with the federal funding. Both the Township Mayor and Treasurer spent the afternoon researching the purchase of the municipal building property. The Treasurer confirmed with a former Mayor that federal funds were used to purchase the property in the early 1970's. However, after reviewing the deed to the property COAH staff has determined that there were no constraints or restrictions on the use of the land. COAH staff has not received any evidence to confirm Ms. Banks' statement. Finally, COAH and the Township are in agreement that all necessary approvals and permits must be received before any development can proceed on this site.

To date, the Township has completed five rehabilitation projects, one market to affordable unit and three accessory apartments. There is no evidence that suggests that Springfield will not complete its six unit market to affordable program by 2013.